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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined fifteenth to seventeenth periodic reports of Portugal

Addendum

Information received from Portugal on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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Portuguese response to the request for information on the implementation of the recommendations contained in paragraphs 15 (c) and (d), 15 (a) and 21 (a) of the Concluding Observations on the fifteenth to seventeenth periodic reports of Portugal (CERD/C/PRT/CO/15-17)

Efforts undertaken to build regular dialogue between the police and various communities, particularly those belonging to ethnic minorities, in order to reinforce their confidence in law enforcement authorities, with a view to increasing the reporting rate to the police: (§13 (c))

1. Improved dialogue and cooperation between police forces and communities is a concern and a transversal objective shared by all Portuguese police forces.

2. In order to develop a culture of proximity police forces have invested in community policing and in carrying out awareness campaigns for students, teachers, parents, guardians, and citizens in general. The aim is to draw attention to fundamental security aspects, where behaviours of racial discrimination are pointed out to promote awareness of safe behaviours and trust in police officers. Within the framework of community policing, the National Republican Guard (GNR) and the Public Security Police (PSP) daily witness episodes of violence and strive to prevent the occurrence of situations of danger or abuse of most vulnerable citizens, including with regards to discrimination.

3. By appointing officers as technicians-consultants to the Advisory Group for the Integration of Roma Communities (CONCIG — *Grupo Consultivo para a Integração das Comunidades Ciganas* and the Council for Migrations of the High Commissioner for Migrations, PSP continues to improve the detection and addressing of situations of discrimination.

4. Through its initial and lifelong training and constant participation in several projects of local and regional nature in the scope of the strategies of prevention and combat to the ethnic-cultural racism and xenophobia, PSP has been reinforcing the importance of positively engaging with the communities. A meaningful example is PSP's participation in the 2nd generation Local Security Contracts, with 25 facilities covering 28 territories at national level, distributed through 25 parishes and 9 municipalities with relevant minority communities at risk of ethnic-cultural discrimination, racism or xenophobia.

5. The Portuguese Immigration and Borders Service (SEF), through the SEF in Motion Programme (*"SEF em Movimento"*) goes to Schools and places where most vulnerable people are to regularize their legal situation in Portugal (children, ill people, elder, numerous families, detainees, people with their liberty limited and institutionalized minors). This Programme reached 99 foreign citizens in 2015. Since 2012, foreign citizens who benefitted from this Programme were mainly from Angola, Cape-Verde, East Timor, Guinea-Bissau, Libya, Nepal, São Tomé and Prince and Thailand.

6. SEF's Project Rum (2013) has also held the poster campaign "You are safe here" for the LGBT migrant victims of human trafficking and domestic violence and asylum seekers. The poster was produced by ILGA (International Lesbian and Gay Association) and has been distributed mainly in associations working with migrants and asylum seekers, such as National Immigration Support Centers (CNAI), Local Centers for Immigration Support (CLAII) and Law Enforcement. Under this project, a "Manual of procedures for networks of integrated inter-sectorial and multidisciplinary intervention in combating domestic violence and human trafficking" was compiled.

7. Reporting of situations of discrimination by police authorities is encouraged. Victims of discriminatory treatment, abuse of authority, ill-treatment or any kind of violence allegedly performed by the Security Forces and Services can use the Complaints

[redacted]

[redacted]

[redacted]

[redacted]

9. Moreover, within the Special Community Policing and Safety Programmes, GNR regularly carries out awareness-raising campaigns especially aimed at the most vulnerable. Through its social network, the GNR has sought to enhance proximity to citizens and encourage report of situations of discrimination.

10. In 2016, 37.435 citizens participated in awareness raising campaigns where the issue of anti-discrimination was addressed.

Chart I — Citizens sensitized in 2016

[redacted]	[redacted]		[redacted]		[redacted]		[redacted]		[redacted]		[redacted]		[redacted]	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
[redacted]	750	540	3.630	3.825	1.500	1.350	150	225	60	57	30	30	1.140	1.125	6.660	7.152
[redacted]	1.320	1.155	3.036	3.090	2.250	2.400	600	645	270	270	990	1.230	2.220	2.940	10.890	12.144
	1.500	1.320	7.440	7.770	3.300	3.555	540	600	270	300	990	1.230	3.510	4.530	17.370	19.680
	[redacted]		[redacted]		[redacted]		[redacted]		[redacted]		[redacted]		[redacted]	

[redacted]

[redacted]

11. A nationwide awareness raising operation was carried out on 21 March 2016, aimed at the general population.

12. Cooperation between police forces and the High Commissioner for Migration has also been strengthened with the creation of the "JUNTOS PARA TODOS" Program, which contributes to the conflict prevention in multicultural communities and to enhance safety of all citizens regardless of their nationality or cultural affiliation.

13. Within the framework of this program, and under the protocol signed in July 1, 2016, ACM provides training to the PSP officers on the migratory phenomenon in Portugal, national and cultural groups living in national territory and on diversity and promotion of intercultural dialogue (stereotypes, discrimination and ways of dealing with difference).

14. PSP, on its turn, provides training to ACM professionals on the legal framework underlying police action and Special Community Policing and Safety Programmes and other relevant projects and articulation of communication strategies with the PSP.

15. During the year of 2016, 4,028 local training actions covering a total of 56 courses, complemented by 2 additional actions, with a total of 92 courses, already in the beginning of 2017. During the year of 2016, 295 local training actions in Porto and Lisbon, covering 137 managers, mediators and promoters of the Program Choices and Projects under its aegis.

16. Between June and December 2017, 40 training sessions are planned by PSP, covering about 800 police elements.

17. Furthermore, PSP has produced educational materials for intervention in the school community — pre-school and 1st cycle of basic education. Taking as main reference the FRALUO — PSP mascot, PSP produced ten short stories that were later converted into digital animation format, which allowed, since October 2014, the holding of 6,000 crime prevention meetings, encompassing 200,000 students, +500 schools, 11,500 individual contacts and 120,000 views on social networks. The episodes are broadcast for free on social networks and two television channels and promote the adoption of security practices of citizenship and promotion of human rights. A message of diversity, consistent with the values of the Portuguese Republic is conveyed though the inclusion of characters from various ethnic groups.

18. The initial training for immigration officers includes a strong qualification in legal subjects such as Constitutional Law, Fundamental Rights, Asylum, Professional Ethics, Social Sciences (sociology, psychology) and personal data protection (Ruling Decision 7/2015, of 7th of April — Probationary Training to SEF's Immigration Officer Career). The lifelong training is in accordance with the National Plans against Trafficking in Human Beings, Domestic Violence, Gender Equality, Citizenship and Non-Discrimination and Action Programme for the Elimination of Female Genital Mutilation.

19. SEF runs a Call Center Service in cooperation with civil society entities and sociocultural **mediators** in several languages to help with the regularization of the legal situation of foreigners in Portugal and improve their social integration. In 2015 the center received 202,212 calls from citizens mostly from Brazil, Cape-Verde, Guinea-Bissau, Angola and Ukraine.

Efforts undertaken to improve access to justice and the functioning of the justice system, including by providing training to police, prosecutors, judges and professionals in the justice system on the application of laws on racist offences: (§13(d))

20. Portuguese authorities remain strongly committed to preventing and combating racial discrimination and other forms of related intolerance.

21. Law 96/2017, of 23rd August which lays down the criminal policy objectives, priorities and guidelines for the biennium 2017–2019, prioritizes the prevention of crimes committed on the grounds of racial, religious or sexual discrimination in its article 2 n).

22. Public policies related to the fight against all forms of discrimination emphasize training of professionals involved in the investigation and judgment, in particular law enforcement officials, prosecutors and judges.

23. Independence, integrity, transparency, impartiality and non-discrimination are fundamental values integrated in the Ethical and Deontological Codes of the Magistrates and the Police authorities.

24. Magistrates are trained on Human Rights issues, and in particular, racial discrimination, migrations, gender equality issues and trafficking in human beings as well as on procedural guarantees in the context of the initial training provided by the Centre for Judicial Studies (CEJ) in the modules of Constitutional Law, European and International Law as well as jurisprudence on fundamental rights.

25. During the lifelong training program for 2017–2018, several training sessions for magistrates took place in 2017 and others are scheduled for the coming months that will tackle issues such as migration, trafficking in human beings, procedural guarantees,

interrogations models. Most of these training sessions (conferences and seminars) are available for all the legal practitioners, such as lawyers or bailiffs.

26. In order to prevent racist and discriminatory behavior by law enforcement officers, Portugal has also been making considerable efforts in initial training sessions and advanced training activities of the law enforcement personnel (criminal police and prison guards) on human rights issues and procedural guarantees.

27. The *curricula* of the Initial Training Course for Prison Guards running since May 2017, comprises a specific module on "Human Rights and International Principles on the Enforcement of Sentences and Private Measures of Freedom" (10 hours).

28. In addition, the prevention and detection of situations of racial discrimination within the prison system is specifically addressed in other seminars. Relevant examples include the holding of a Seminar on "Multiculturalism and Reclusion" on September 8th, with the participation of the President of the Religious Freedom Commission, the Imam of the Central Mosque, the representative of the High Commission for Migrations and the President of the Luso-Cape Verdean Association of Sintra; the holding of a conference on "Persons Deprived of Liberty and Human Rights Organizations" on July 14th, with presentations made by the Portuguese member of the Committee for the Prevention of Torture of the Council of Europe, a member of the International Amnesty, a member of the Human Rights Commission of the Portuguese Bar Association and a representative of the Ombudsman's Office.

29. Moreover, the Criminal Police is actively involved in the Project "Hate No More" (Ódio Nunca Mais), co-financed by the European Union, with other national partners such as the Association for Victim Support (APAV), the Public Prosecution Office (PGR) and the Commission for Citizenship and Gender Equality (CIG). This partnership was set on February 2016 in order to step up prevention and combat against racism, xenophobia and other forms of intolerance and discrimination. It intends to create tools that can help to raise awareness and improve training to combat hate crimes and hate speech, through the development of proceedings and multidisciplinary training that include the victim's perspective, raise awareness of the general public and of potential victims, with a view to encourage reporting of more hate crimes and victims' access to support services.

30. Since October 3, 2016, other activities are being developed with the inputs of all the partners such as:

- Research and collection of information on training on all forms of hate crimes and hate speech for victim support, law enforcement and judicial practitioners;
- Creation of a handbook with procedures on how to identify victims of hate crimes and hate speech and how to communicate and interact with hate crimes victims, according to their needs and specific crime impact, and in a respectful manner;
- Production of the "Training Manual to support victims of crime and hate speech" for professionals dealing with hate crimes and hate speech victims. In the end of March 2017, a first draft of the index of this manual was prepared. The themes incorporated in the Manual will be used as a guide for six-hour workshops for the police;
- Among others, the following ideas stand out in the manual: general aspects of hate crimes and hate speech; definition of hate crime and hate speech; impact on victims (direct and indirect); interdisciplinary work in support of victims of hate crimes; direct contact with victims of hate crimes; specificities by type of vulnerable group; the preparation and conduct of the interview; gathering evidence; referral, networking and referral;
- The development of training sessions on hate crimes and hate speech in each partner country (Portugal, Austria, Sweden, Italy, Malta, United Kingdom, Spain) aimed at professionals that might come in contact with these victims;
- Meetings to raise awareness aimed at professionals of the risk sectors are also planned as well as the development of a campaign for vulnerable groups and general public awareness.

31. On January 30 and 31, f 2017, the first meeting of the national and international partners was held at APAV's office in Lisbon, to outline the role and contribution of each partner in this project. Currently, APAV is developing the interim financial report of this project, namely in order to assess the costs with the human resources assigned to the project.

32. Regarding the participation in other projects directly related to the training in the field of hate crimes, in which the Criminal Police is involved as a partner, we can also highlight:

- Within the European Commission, as an active member in the subgroups against the removal of the online hate speech (High Level Group on Combating Racism and Xenophobia and other forms of intolerance) by establishing partnerships with information and technology companies (IT), with a view to training inspectors to identify, monitor and remove online hate content (e.g. racism, xenophobia, islamophobia, etc.) from IT operators (Google, Facebook, Twitter and Microsoft);
- Within CEPOL-European Police Academy, a partnership for the creation and development of a specific *curricula* for modules in the area of hate crimes, as well as an online course/module on Hate Crimes (now available on the CEPOL platform) which will provide basic training for all police officers and judicial officials on this subject, with particular focus on racism, xenophobia and islamophobia. It also includes drafting a future training course for trainers in the area of hate crimes, to be taught by CEPOL in partnership with the European Union Fundamental Rights Agency (FRA);
- Within the Council of Europe, in partnership with a working group set up by CIG, as an active member in the development of a manual for trainers, which will be implemented later this year in Portugal and that will be adapted to the issue of racial discrimination and xenophobia;
- Partnerships with civil society, NGO'S, namely APAV, SOS Racism and ILGA Portugal, in the development of good practice guides.

33. With regards to PSP and GNR, initial and lifelong training includes contents on rights, liberties and guarantees, respect for differences, use of coercive means, citizenship rights, multiculturalism, and prohibition of discriminatory practices or peaceful resolution of conflicts.

34. Moreover, the military personnel of the Special Programs Sections and Investigation and Victim Support Nuclei have specific initial training adapted to their specific missions, including on topics such as "Hate Crimes against lesbian, gay, bisexual and transgender (LGBT)" and "Gender and Aging" (in cooperation with the Commission for Citizenship and Equality).

35. A permanent effort is also made to improve existing procedures and communication with the general public and victims. Through *Infovitimas*, led by APAV (the Portuguese Association to Support Victims) with the collaboration of the PSP, citizens can improve their knowledge on the different stages of the proceedings and access to an online support network.

36. Also worth mentioning is the project Proximity — Proximity Policing against Racism, Xenophobia and other Forms of Intolerance, led by the Spanish Observatory for Racism and Xenophobia — OBERAXE, with the participation of the Public Security Police, through its Metropolitan Command of Lisbon.

Adoption of the new anti-discrimination draft law while ensuring that it includes discriminatory practices in its ambit, disseminate the new law widely once adopted and ensure its effective implementation; (§15 (a))

37. The new anti-discrimination legislation — which was in discussion at the time Portugal last reported to the Committee, in November of 2016 — was adopted through Law. 93/2017 of 23rd August 2017 establishing the legal framework for the prevention, prohibition and combat of discrimination based on racial and ethnic origin, color,

nationality, descent and place of origin. This law entered into force on the 1st of September 2017.

38. The Law revised the previous legal framework on the combat and prevention of racial discrimination, centralizing, in practice, all the different phases of the administrative offences procedure in the same entity, with a view to optimize the services and provide for a more timely and effective application.

39. As a result of this new legal diploma, the High Commission for Migration www.acm.gov.pt, through the Commission for Equality and Against Racial Discrimination (CICDR, www.cicdr.pt) will be responsible for all phases of the administrative offences procedure within its areas of competence, reception and analysis of complaints, instruction and decision, as well as for the coordination of actions in the prevention, inspection and combat to discriminatory practices. The scope of CICDR's intervention is reinforced with the mandate to manage the administrative offences processes, determine the fines and additional sanctions to be applied.

40. CICDR's composition is increased and extended to 31 Advisers, including a representative of the Roma communities and a representative from each parliamentary group of the Portuguese Parliament. Furthermore, this diploma establishes close cooperation mechanisms between the High Commission for Migration and the Working Conditions Authority, as this entity will also be represented in CICDR's Advisory Board.

41. In addition to the prohibition of discrimination based on race, colour, nationality and ethnic origin, new forms of discrimination are for the first time included, such as discrimination based on descent and place of origin, multiple discrimination (on the basis of more than one of the protected characteristics) and discrimination by association (by virtue of one's association with someone who possesses one of the protected characteristics).

42. The text also foresees the possibility for the parties in conflict to find a solution through a "*mediation procedure at their request or by indication*" from CICDR, "*with the consent of the aggressor and of the victim or of his or her legal representatives*", as well as for migrant associations to act in representation of the victim.

43. With this new legislation, the concept of discriminatory practices has been reinforced as well as the composition of the Commission for Equality and Against Racial Discrimination. The new law also enables the Commission for Equality and Against Racial Discrimination to collect evidence in cases of racial discrimination and to handle the entire procedure from beginning to end, increasing the efficiency of this body. Additionally, the value of the maximum fines has been raised.

44. Full text of Law n. 93/2017 (in Portuguese language) is available here: https://dre.pt/application/file/a/108039214.

45. The High Commission for Migration is now in the process of strengthening the resources of the Commission for Equality and Against Racial discrimination in accordance with the new responsibilities. Each National Centre for the Integration of Migrants (CNAIM) will have a designated Contact Point dedicated to receiving, analyzing and following up on complaints. Additionally, training on the new anti-discrimination law is envisioned to the Network of Local Support Centres for the Integration of Migrants (CLAIM).

46. ACM is investing in the wide dissemination of the Law and will be providing information to the network of CNAIMs, CLAIMs and other partners, such as the Municipalities and migrant associations with an interest on this matter. Flyers disseminating the new legal framework are envisioned in the near future. Meanwhile, the publication of the Law has been publicized in ACM's website and Facebook posts, as well as in the Portuguese media.

Implementation of the National Roma Integration Strategy in close collaboration and strengthened consultation with the Roma community, including through the effective functioning of the Consultative Group for the Integration of Roma Communities, and with civil society organizations working on Roma issues; (§21 (a))

47. The National Roma Communities Integration Strategy (ENICC), was approved through Council of Ministers Resolution 25/2013, of 27 March 2013. The document was designed around the four axis defined in the European Union's Communication on "An EU Framework for National Roma Integration Strategies up to 2020" — COM (2011) 173 — Housing, Healthcare, Education and Employment — and a fifth horizontal axis, which highlights mediation, valuing Roma history and culture, combat against discrimination and gender equality as priority areas. The Strategy is the result of the joint contribution of various ministries, municipalities, civil society organizations, associations and Roma communities' representatives, research centres and experts, among other stakeholders. It comprises 40 priorities and 148 objectives.

48. Considering the Strategy is in place until 2020, a monitoring and reporting mechanism was created, with the aim, inter alia, to identify and correct in a timely manner, eventual side tracks to the approved plans.

49. As such, ACM prepared and developed a mechanism to monitor ENICC's indicators, approved by all focal points in December of 2014. The monitoring process focuses on the reporting responsibilities of the institutions involved, and allows for the systematic registering and monitoring of all actions taking place within the framework of the Strategy.

50. Under the monitoring mechanism for ENICC's indicators the Focal Points are to register information on all actions developed in a form (the template for the form is provided), supporting the Strategy's monitoring table.

51. This information is annually presented to the Consultative Group for the Integration of Roma Communities (CONCIG), which makes recommendations disseminated to the focal points. These recommendations are a fundamental element for necessary adjustments to the Strategy to take place.

52. According to the information collected from the Strategy's Focal Points in 2016, a total of 605 actions were reported as the result of the implementation of the priorities and measures. This number surpassed the results from the previous year.

53. The global data on the ENICC's execution indicate a completion rate of 94,1% of the Strategy's objectives, confronting the number of expected measures and the number of objectives reached or under development between 2013 and 2016. The creation of the Support Fund to the National Strategy (FAPE), launched in 2015, was determinant in this regard. The Fund supports experimental and innovative projects, in the area of the promotion and combat discrimination of Roma communities. Participation of the Roma communities in all the different phases of the projects to be developed (elaboration, implementation and evaluation) is a precondition for funding. Lack of compliance is a motive for exclusion in the application process.

54. The Consultative Group for the Integration of Roma Communities (CONCIG), was created in June 2013. CONCIG is made up of representatives from seven Ministries, Regional Governments of Madeira and Azores, Municipalities and Localities, civil society organizations and Roma Associations, higher education and research institutions and citizens of recognized merit in this area.

55. The main objectives of CONCIG are to analyze the situation of the Roma communities in Portugal and the progress on the implementation of ENICC, with the competence to make recommendations to the responsible partners (Focal Points) with regards to the execution of the outlined measures. CONCIG is a comprehensive and multi-sectorial platform for the discussion of the situation and integration of Roma communities in Portugal and the implementation of the National Strategy.

56. In 2017, the revision of the National Roma Communities Integration Strategy was under discussion with the aim to provide clearer and more effective measures and indicators. Representatives of the associations were consulted as well as the participants of the "More Leaders" project, an initiative aiming to promote the active participation of young Roma in the civic and associative spheres, using participative methodologies (meetings, trainings, awareness-raising sessions and project development). The More Leaders initiative currently includes 24 participants (17 men and 7 women) between the ages of 18 and 35 years old.

57. The High Commission for Migration is committed to ensuring the active participation of the Roma communities in the entire process of the Strategy and has so far organized two consultation workshops in Lisbon concerning the revision of the National Strategy, one with the More Leaders' group in November of 2016 and the other in February of 2017 with representatives of the Roma communities.

58. The decision to proceed with the revision of the National Strategy was taken following a meeting in August of 2017 with the Minister in the Cabinet of the Prime Minister, the Secretary of State of Citizenship and Equality, the High Commissioner for Migration and seven organizations' representatives of the Roma communities in Portugal. The revision should be concluded in 2018.